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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,117	02/05/2004	Bernd Hoffbauer	22781	3987
535	7590 08/09/2005	·	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE			WARD, JOHN A	
PO BOX 900	TIED TIVE TOE		ART UNIT	PAPER NÚMBER
RIVERDALE (BRONX), NY 10471-0900			2875	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE @ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be available under the proteines of 37 CFR 1.138(a). In no event, however, may a reply be timely fitted  If the period for reply specified above is less than lithiry (20) days, a reply within the datalotory minimum of thiny (20) days will be considered timely.  If the period for reply specified above is less than lithiry (20) days, a reply within the dataloty minimum of thiny (20) days, and will be provided to the maining date of this communication.  Failure to reply within the set or extended period for reply will be statisticly period will apply and will eight pick (50) MONTHS from the maining date of this communication.  Failure to reply within the set or extended period for reply will be set that the maining date of this communication.  Failure to reply within the set or extended period for reply will be set to extended period for reply will be considered timely.  Provided the period of the part of the period of the period of the communication.  Failure to reply within the set or extended period for reply will be period for reply will be considered timely.  Provided the period of the part of the period of the period of the communication.  Provided the period of the period of the period of the period of the communication.  Provided the period of the period o		Application No.	Applicant(s)					
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under this communication.  Extensions of time may be available under this communication of 37 CFR 1.13(a). In no event, however, may a reply be timely field  after SIX (5) MCMPTS time the mailing date of this communication of the property o	Office Action Summary	Examiner	Art Unit					
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1)  Responsive to communication(s) filed on 05 February 2004.  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-9 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6)  Claim(s) 1-9 is/are allowed. 6)  Claim(s) 1-9 is/are allowed. 7)  Claim(s) is/are objected to. 8)  Claim(s) is/are objected to. 8)  Claim(s) is/are objected to by the Examiner. 10)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some one of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No. 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
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Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 020504  5) Notice of Informal Patent Application (PTO-152) 6) Other:	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) D Notice of Informal P						

Application/Control Number: 10/773,117

Art Unit: 2875

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourney (US 4,573,766).

Regarding claim 1, Bourney ('766) discloses a back lighting panel having a transparent body 26 formed with a outwardly open bore 43, with a light emitting diode 38 located in the bore and having a outer surface 46 having a matte surface (column 4, line 25-27).

Regarding claim 2, Bourney teaches that the outer surface can either be smooth and polished (column 4, lines 25-27).

Regarding claim 3, Bourney shows in figure 3, that the matte finish region of the outer surface 46 extends peripherally around the body.

Regarding claim 4, Bourney shows in figure 4 a pair of edge bevels 48, 50 constitute the matte finished region.

Regarding claim 6, Bourney teaches that the light emitting diode can be snug fit in the bore (column 4, lines 19-24).

Regarding claim 8, the light emitting diode of Bourney shows a lens.

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Regarding claim 9, Bourney teaches column 4, lines 51-54 that the light emitting diodes are strong enough to illuminate the liquid crystal display.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourney.

Regarding claims 5 and 7 Bourney discloses all the limitations of the claimed invention as cited above, but does not discloses the bore having a matte finish or a mass of potting between the diode and internal surface of the bore.

It would have been obvious to on having ordinary skill in the art at the time the invention was made to provide a matted finish in side the bore along with using a mass

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of potting, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of

obvious design choice. In re Leshin, 125 USPQ 416.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John A. Ward whose telephone number is 571-272-

2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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**JAW** 

August 5, 2005

JOHN ANTHONY WARD PRIMARY EXAMINER